

Applicant : Scott Montgomery
Appl. No. : 09/990,341
Examiner : Kambiz Abdi
Docket No. : 703602.2

Remarks

Claims 1-11, 14-17, 22, 27-34, 36 and 38 have been amended. Claims 66-84 have been added and claims 12-13, 18-21, 26 and 39-65 have been cancelled by this amendment. Claims 1-11, 14-17, 22-25, 27-34, 36-38 and 66-84 are currently pending. The applicants respectfully request reconsideration.

Common Ownership

In paragraph 4 of the office action, the examiner noted that there was no clarification regarding C.F.R. 1.56 in the April 19, 2007 response. The applicants respectfully disagree as such a clarification was made on page 12 of the April response.

As stated therein, the subject matter described by the claims have been commonly owned at all times.

Rejection of Claims Under 35 U.S.C. 112

Because claim 46 has been cancelled, the applicants respectfully submit that the rejection under section 112 is moot.

Rejection of Claims Under 35 U.S.C. 103

Claims 1-34, 36-49, 51-56 and 58-65 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,005,945 to Harry Whitehouse (hereinafter "Whitehouse") in view of U.S. Patent Application Publication No. 2005/0209976 to William F. Bailey (hereinafter "Bailey") and claims 46-49, 51-56 and 58-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse in view of Bailey and further in view of U.S. Patent Application Publication No. 2001/0056469 to Takasi Oonuki.¹

Each of the independent claims have been amended by this response and new independent claim 70 has been added. The applicants respectfully submit that the claims are

¹ The applicants wish to note that it is unclear whether the examiner is relying on the Keubert reference (U.S. Patent Application Publication No. 2002/0165729) as a basis for any rejection. This reference is briefly mentioned in paragraph 23 of the action but no detailed citation to the reference is ever made.

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patentable over the cited references as none of the cited references, either alone or in combination, disclose the subject matter of the claims when read as a whole.

For instance, with regards to claim 1, none of the cited references, either alone or in combination, disclose:

*"generating a data corresponding to a postage indicium associated with a mail piece at a vendor-controlled centralized postage issuing computer system;
associating an indexing tracking ID with the postage indicium, wherein the indexing tracking ID and postage indicium are independent;
storing the indexed postage indicium data within a database of the centralized postage issuing computer system; transmitting the indexing tracking ID to an end user computer;
receiving a postage indicium request from a postal authority, the postage indicium request containing the indexing tracking ID; and
retrieving the indexed postage indicium data from the database based on the indexing tracking ID."*

With regards to claim 14, none of the cited references, either alone or in combination, disclose:

*"reading an indexing tracking ID on a mail piece;
transmitting a postage indicium request to a vendor, wherein the request comprises the read indexing tracking ID; and
receiving data corresponding to a postage indicium, the postage indicium being associated with the indexing tracking ID,
wherein the indexing tracking ID is readable on the mail piece independent of the data corresponding to the postage indicium."*

With regards to claim 27, none of the cited references, either alone or in combination, disclose:

*"A centralized postage-issuing computer system for indexing a postage indicium, comprising:
data processing circuitry;*

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Appl. No. : 09/990,341
Examiner : Kambiz Abdi
Docket No. : 703602.2

a database;

a postage indicium generation module, operable with the data processing circuitry, configured for generating a data corresponding to a postage indicium;

an indexing module, operable with the data processing circuitry, configured for associating an indexing tracking ID with the data corresponding to the postage indicium, wherein the indexing tracking ID and postage indicium are independent;

a database management module, operable with the data processing circuitry, configured for storing the indexed data corresponding to the postage indicium within the database, and for retrieving the indexed data corresponding to the postage indicium from the database based on the indexing tracking ID; and

a communications module, operable with the data processing circuitry, configured for transmitting the indexing tracking ID to an end user computer, for receiving a postage indicium request containing the indexing tracking ID from a postal authority, and for transmitting the retrieved indexed data corresponding to the postage indicium to the postal authority."

With regards to claim 70, none of the cited references, either alone or in combination, disclose:

"sending, from an end user computer, postage information related to a mail piece and a request for an indexing tracking ID to a vendor-controlled centralized postage issuing computer system, wherein the vendor is in communication with a postal authority and wherein the postage information is configured to allow the vendor to generate data corresponding to a postage indicium for the mail piece, the indexing tracking ID being associated with the data corresponding to the postage indicium;

receiving the indexing tracking ID at the end user computer; and

applying the indexing tracking ID to the mail piece, wherein the indexing tracking ID is independently readable from any postage indicium present on the mail piece."

In addition, although the claims have been amended extensively, the applicants wish to address one specific assertion made in the office action. Specifically, the applicants disagree with the interpretation that Whitehouse discloses a tracking ID separate from the postage

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Docket No. : 703602.2

indicium. Although not clear, it appears the positions set forth in the office action are done so on the basis that the serial number disclosed in Whitehouse (see, e.g., col. 13, ll. 20-39) and contained within the data corresponding to the postage indicium can be considered an indexing tracking ID. This interpretation cannot be correct, since it would require the claimed indexing tracking ID and postage indicium (as previously claimed) to be read on the same subject matter, thereby improperly eliminating one of those limitations from the claims. Such an interpretation is also at odds with the claimed subject matter when read as a whole. Nevertheless, the applicants have amended the claims to clearly reflect that the indexing tracking ID and the data corresponding to the postage indicium are independent. Because Whitehouse is not directed towards an independent indexing tracking ID, the applicants respectfully submit that Whitehouse cannot be combined with the other cited references to form a basis for rejection of the claims in the manner set forth in the office action.

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Conclusion

The applicants respectfully submit that the independent claims, as amended, are allowable over the cited references. Thus, the applicants respectfully request that the rejections to the independent claims and the claims depending therefrom also be withdrawn.

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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By: 

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